



10/755,249

DA 4/2
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Michel E. Mawad	§	GROUP ART UNIT:
		§	3763
SERIAL NO.:	097912,923	§	
FILED:	July 25, 2001	§	EXAMINER:
		§	Not Yet Assigned
FOR:	Microcatheter Including	§	
	Swellable Tip	§	

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PRIORITY CLAIM
UNDER RULE 37 CFR 1.78(a)(6)

Atty. Dkt. No.: 1366-00901
Date: October 11, 2004

Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant for the above-identified application submits this petition under paragraph a(6) of 37 C.F.R. § 1.78 to request acceptance of an amended claim to priority to U.S. Provisional Application Serial No. 60/439,229, filed January 12, 2004, and entitled "Microcatheter Including Swellable Tip." Applicant respectfully asserts that the entire delay between the date the claim was due under paragraph a(2) of 37 C.F.R. § 1.78 and today was unintentional.

The Commissioner is hereby authorized to charge Deposit Account 03-2769, Conley Rose, P.C., in the amount of \$1,370 for the filing of this petition.

Respectfully submitted,

Marcella D. Watkins
Reg. No. 36,962
Conley Rose, P.C.
P. O. Box 3267
Houston, Texas 77253-3267
(713) 238-8000
ATTORNEY FOR APPLICANT

10/15/2004 FFANAI2 00000027 032769 10755249
01-FC:1453 1370.00 DA

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PTO/SB/017 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
For FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** \$ 1,370.00**Complete if Known**

Application Number	10/755,249
Filing Date	January 12, 2004
First Named Inventor	Michel E. Mawad
Examiner Name	
Art Unit	3763
Attorney Docket No.	1366-00901

METHOD OF PAYMENT (Check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:
 Deposit Account Number: 03-2769
 Deposit Account Name: Conley Rose, P.C.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account
☒ Credit any overpayments
FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing Fee	\$
1002 340	2002 170	Design filing fee	\$
1003 530	2003 265	Plant filing fee	\$
1004 770	2004 385	Reissue filing fee	\$
1005 160	2005 80	Provisional filing fee	\$

SUBTOTAL (1) \$**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	21** = x	9.00	= \$00.00
Multiple Dependent Claims	3** = x	86.00	= \$00.00
		290.00	= \$00.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent Claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$

** or number previously paid, if greater; For Reissues, see above


FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	\$
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	\$
1053 130	2053 65	Non-English specification	\$
1812 2,520	2182 2,520	For filing a request for <i>ex parte</i> reexamination	\$
18042 920*	1804 920*	Requesting publication of SIR prior to Examiner action	\$
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	\$
1251 110	2251 55	Extension for reply within first month	\$
1252 420	2252 210	Extension for reply within second month	\$
1253 950	2253 475	Extension for reply within third month	\$
1254 1,480	2254 740	Extension for reply within fourth month	\$
1255 2,010	2255 1,005	Extension for reply within fifth month	\$
1401 330	2401 165	Notice of Appeal	\$
1402 330	2402 165	Filing a brief in support of an appeal	\$
1403 280	2403 140	Request for oral hearing	\$
1451 1,510	1452 1,510	Petition to institute a public use proceeding	\$
1452 110	2452 55	Petition to revive - unavoidable	\$
1453 1,330	2453 665	Petition to revive - unintentional	\$
1501 1,330	2501 665	Utility issue fee (or reissue)	\$
1502 480	2502 240	Design issue fee	\$
1503 640	2503 320	Plant issue fee	\$
1460 130	1460 130	Petitions to the Commissioner	\$
1807 50	1806 50	Processing fee under 37 CFR 1.17(g)	\$
123 50	123 50	Petitions related to provisional applications	\$
1806 180	1806 180	Submission of Information Disclosure Stmt	\$
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	\$
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))	\$
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))	\$
1801 770	2801 385	Request for Continued Examination (RCE)	\$
1802 900	1802 900	Request for expedited examination of a design application	\$
Other fee (specify)	1454		\$1,370.00

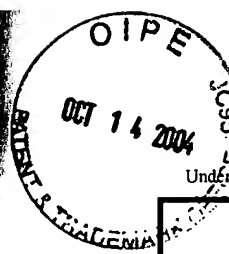
*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$1,370.00**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	Marcella D. Watkins	Registration No. (Attorney/Agent)	36,962	Telephone	(713) 238-8000
Signature				Date	October 12, 2004

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/755,249
	Filing Date	January 12, 2004
	First Named Inventor	Michael E. Mawad
	Art Unit	3637
	Examiner Name	*
Total Number of Pages in This Submission	Attorney Docket Number	1366-00901

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <i>Petition to Accept Unintentionally Delayed Priority Claim Under Rule 37 CFR 1.78(a)(6) (1 p.); acknowledgment postcard</i>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm Or Individual Name	Marcella D. Watkins 36,962
Signature	
Date	October 12, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or Printed Name	Sandra K. Begley		
Signature		Date	October 12, 2004

136791.01/1366.00901

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and selection option 2